

## **Abstract**

The presented thesis deals with liability for defects in work in business obligations. It analyzes the effective legislation which is primarily contained in the Commercial Code and points out some problems arising from the interpretation of the law. It further summarizes the numerous and relatively constant judicature of the Supreme Court of the Czech Republic and legal opinions of several commercial lawyers. The author of the thesis tries to assess the conclusions of the judicature and legal doctrine. In some cases, he presents his own suggestions to solve the shortcomings of the current legislation. These proposals are based on his own legal reasoning.

During the creation of the Commercial Code, the legislature had been inspired by the Economic Code and the International Trade Code, the immediate predecessors of the Commercial Code, and by United Nations Convention on Contracts for the International Sale of Goods. For this reason the legislation contained in these sources of law is mentioned particularly when the legislation departs from the current legislation of the Commercial Code. The future development of the legislation is also presumed. The thesis deals with the draft of the new Civil Code and focuses on the draft's solutions of several selected issues (issue of performance of obligation and its relation to liability for defects and issue of completion of work). In addition, Czech legislation and legal opinions of several commercial lawyers are compared with their Slovak counterparts.

The thesis comprises twelve chapters. Opening chapters explain the basic terms as the work and the defect, deal with the division of defects and describes the relationship of liability for defects with performance of obligation. Next part of the thesis summarizes the systematics of the current legislation of liability for defects, explains the nature of liability for defects and reveals the basic differences between it and liability for default. The middle section of the thesis focuses on the scope of liability for defects in work and on the quality warranty which is an inseparable part of liability for defects in work. Considerable attention is devoted to the exercise of rights based on defects in work. The thesis outlines the whole procedure which consists of the examination of the object of the work, determination of the defect and timely notification of the defect. Hereafter it analyses the question when timely notification is delivered and describes the consequences of late notification and exclusions of these consequences. Following chapters enumerate the rights based on defects in work, note the

relationship between these individual rights, deal with each individual right based on defects in work in turn and examine the overlapping of rights based on different legal titles. The Penultimate chapter analyses the solutions of selected issues contained in the draft of the new Civil Code. Final chapter states several differences in Slovak legislation and doctrine in relation with Czech legislation and doctrine which are mentioned in previous chapters of the thesis.